

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14708 of Connecticut House Limited Partnership, as amended, pursuant to 11 DCMR 3108.1, for a special exception (Sub-section 2003.1) to continue a medical office in an R-5-C District at premises 4500 Connecticut Avenue, N.W., (Square 1972, Lot 1).

HEARING DATE: February 10, 1988  
DECISION DATE: March 2, 1988

FINDINGS OF FACT:

1. During the course of the public hearing on February 10, 1988, the application was amended so that the requested relief is a special exception pursuant to Section 3108.1 rather than a variance from the use provisions pursuant to Section 3107.2.

2. The property is located on the northwest corner of Connecticut Avenue and Albemarle Street and is known as premises 4500 Connecticut Avenue, N.W. It is zoned R-5-C.

3. The site is improved with a nine-story, 117 unit apartment building. The site is located on the southern edge of a large R-5-C District which extends to the north and a C-3-A District adjacent to the site to the south. The area is characterized by high and medium density apartment buildings.

4. The applicant submitted evidence to the record that unit No. 102 of the premises was used for medical office purposes prior to the adoption of the Zoning Regulations on May 12, 1958.

5. The applicant proposes to continue to use the premises as medical offices. The applicant has worked as a podiatrist at the premises since 1985 and purchased the practice in April 1987.

6. The hours of operation of the podiatrist's office are from 8 A.M. to 5 P.M., Monday through Friday and from 8 A.M. to noon every other Saturday. No more than eight to ten patients visit the site daily.

7. The location is conveniently located to serve the patients served by the applicant. The majority of the applicant's patients are elderly and either reside at the

subject premises or walk or catch public transportation from the immediate area. Approximately 85 percent of the existing patients live in the immediate area.

8. The site is convenient to Metrobus routes serving the Connecticut Avenue corridor and is three blocks from the Van Ness Metrorail station.

9. The podiatrist's office consists of nine small areas comprising a waiting room, office, and examination and treatment rooms. There are no shower or cooking facilities.

10. The applicant leases three on-site surface parking spaces for patients at the rear of the building and leases one underground garage space for his use. There is metered parking available on adjacent streets.

11. The applicant has received no complaints regarding the operation or traffic problems generated by the use of the medical office.

12. By memorandum dated February 3, 1988, the Office of Planning (OP) recommended denial of the application for a use variance. The OP did not submit a recommendation on the requested special exception.

13. The Board waived its Rules to accept the filing of the ANC report one day late. Advisory Neighborhood Commission (ANC) 3F by letter dated February 2, 1988, offered no objection to the application.

14. The record contains several letters and a petition of approximately 300 signatures in support of the application.

15. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-section 2003.1 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The podiatrist's office at the site operated by a non-resident is a non-conforming use. The use was established prior to the effective date of the current Zoning Regulations. The use is a neighborhood facility. The operation of the use for the past thirty years has had no adverse impacts on the immediate area.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

The Board concludes that it has accorded to Advisory Neighborhood Commission (ANC) 3D the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval is limited to Dr. Stuart B. Sibel.
2. The number of employees shall not exceed three, including Dr. Sibel.
3. There shall be three on-site parking spaces reserved for patient parking at the rear of the site.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: MAY 27 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14708order/LJP36

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14708

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAY 27 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Stuart B. Sibel  
4500 Connecticut Avenue, N.W.  
Wash, D.C. 20008

Kendall C. Valentine, Chairperson  
Advisory Neighborhood Commission 3-F  
P.O. Box 39083, Friendship Station  
Washington, D. C. 20016

A handwritten signature in black ink, appearing to read "ELC", followed by a long horizontal line.

EDWARD L. CURRY  
Executive Director

DATE: MAY 27 1988